

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 1:05CR460</b>
	)	
<b>PLAINTIFF,</b>	)	<b>JUDGE PETER C. ECONOMUS</b>
	)	
<b>v.</b>	)	
	)	
<b>JEROME MELTON,</b>	)	<b>ORDER</b>
	)	
<b>DEFENDANT.</b>	)	

On May 10, 2006, the Court sentenced Defendant to 30 months imprisonment, followed by 3 years supervised release, for conspiracy to possess with intent to distribute and distribution of cocaine base. Defendant's supervised release commenced on February 6, 2008.

On or about September 18, 2008, Defendant's probation officer submitted to the Court a Violation Report alleging eight violations of the terms of Defendant's supervised release:

- 1. Use of Illicit Drugs** - On 04/22/2008, the offender submitted a urine specimen that tested positive for cocaine. He signed an Acknowledgment of Positive Drug/Alcohol Use Report admitting to using cocaine on 04/20/2008.
- 2. Use of Illicit Drugs** - On 07/03/2008, the offender submitted a urine specimen that tested positive for marijuana metabolite. The results were certified by Kroll Lab on 07/17/2008.
- 3. Use of Illicit Drugs** - On 08/19/2008, the offender submitted a urine specimen that tested positive for marijuana metabolite. The results were certified by Kroll Lab on 08/26/2008.

4. **Failure to Participate in Treatment** - The offender failed to report for treatment as directed on 08/12/2008; 09/03/2008; and 09/10/2008.

5. **Failure to Submit to Urinalysis as Directed** - The offender failed to report for urinalysis on 07/22/2008; 07/29/2008; 08/27/2008; and 09/03/2008.

6. **Failure to Report to the Probation Office as Directed** - The offender failed to report to the probation office as directed on 09/02/2008; 09/11/2008; 09/12/2008; and 09/17/2008.

7. **Failure to Submit Monthly Supervision Reports** - The offender failed to submit Monthly Supervision Reports for July 2008 and August 2008.

8. **Failure to Follow Probation Officer's Instructions as Employment Search** - The offender was instructed to maintain a written log of his job search activities, but has failed to do so.

On October 15, 2008, the Court referred the matter to United States Magistrate Judge James S. Gallas to conduct the appropriate proceedings, except for sentencing, and issue a Report and Recommendation stating the Magistrate Judge's findings. (Dkt. # 76). In the Report and Recommendation the Magistrate Judge recommended that the Court find Defendant in violation of the terms of his supervised release because, at the hearing before the Magistrate Judge, the Defendant admitted to the alleged violations. (Dkt. # 81). The Magistrate Judge's Report and Recommendation is hereby **ADOPTED**.

On November 17, 2008, the Defendant appeared before the Court for sentencing. The Court has considered the statutory maximum sentence of two years pursuant to 18 U.S.C. § 3583(e)(3). The Court has also considered the advisory policy statements set forth in Chapter Seven of the United States Sentencing Guidelines prior to imposing sentence. The guideline

range is 6-12 months pursuant to U.S.S.G. § 7B1.4(a). Furthermore, the Court has considered the factors for sentencing listed in 18 U.S.C. § 3553(a) and 3583(d).

Upon consideration of the foregoing, the Court hereby orders that Defendant's supervised release is **CONTINUED**, with all previously imposed conditions, with the following modification:

It is the **JUDGMENT** of the Court that as a further condition of supervised release that Defendant shall reside in a Community Corrections Center, Oriana House, for a term of one hundred twenty (120) days.

**IT IS SO ORDERED.**

/s/ Peter C. Economus – November 18, 2008  
**PETER C. ECONOMUS**  
**UNITED STATES DISTRICT JUDGE**